



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

APR 10 2013

The Honorable Bill Shuster  
Member, U.S. House of Representatives  
310 Penn Street, Suite 200  
Penn Street Center  
Hollidaysburg, Pennsylvania 16648

Dear Representative Shuster:

Thank you for your letter of January 10, 2013 to the U.S. Environmental Protection Agency (EPA) on behalf of your constituent, (b) (6) (b) (6) (b) (6) concerning requirements for Municipal Separate Storm Sewer System (MS4) communities within the Chesapeake Bay watershed, funds available for assistance, and penalties for non-compliance.

In Pennsylvania, the Department of Environmental Protection (PADEP) is responsible for administering National Pollutant Discharge Elimination System (NPDES) permits for stormwater discharges from MS4s. PADEP typically authorizes discharges from MS4s through a general permit process. The most recent general permit (PAG-13) was reissued by PADEP on September 17, 2011, and became effective March 15, 2013. The PAG-13 permit requires each MS4 to develop a site-specific Stormwater Management Plan that must include six control measures to properly manage stormwater runoff. An additional requirement for MS4 permittees located within the Chesapeake Bay drainage area is the preparation of a Chesapeake Bay Pollutant Reduction Plan (CBPRP) to address the Chesapeake Bay Total Maximum Daily Load (TMDL), established by EPA on December 29, 2010 (<http://www.epa.gov/chesapeakebaytmdl>). The Chesapeake Bay TMDL is based on Watershed Implementation Plans (WIPs) developed by the seven jurisdictions in the Chesapeake Bay watershed. The WIP allowed each permitting authority (in this case PADEP) the opportunity to determine how it would best achieve the reductions necessary for all sectors (e.g., agriculture, urban stormwater, wastewater, septic, etc.) to comply with the TMDL. Pennsylvania's WIP requires an almost 40% reduction of nutrient and sediment loads to the Bay from urban stormwater.

To achieve the WIP's urban stormwater sector goal, PADEP requires PAG-13 permittees to develop, implement, and submit for approval by PADEP, a CBPRP within 12 months of the effective date of their approval for general permit coverage. The CBPRP must include a schedule to implement best management practices (BMPs) to reduce nitrogen, phosphorus, and sediment associated with existing stormwater discharges into regulated small MS4s discharging to receiving waters of the Chesapeake Bay. The CBPRP must also include a narrative description of the estimated area, including impervious cover draining to the regulated small MS4; identify areas where municipal infrastructure upgrades are planned; and provide an evaluation of the suitability for incorporation of green infrastructure, environmental site design (ESD), or low impact development (LID) BMPs into planned municipal infrastructure upgrades. These practices should then be incorporated into the BMP implementation schedule. For more information on PADEP's PAG-13 permit, Mr. (b) (6) can contact Mr. Robert J. Kachonik, PADEP's Chief of the Operations Section, at 717-783-3863.



In an effort to assist MS4 communities, PADEP is planning to develop, with EPA's assistance, a Chesapeake Bay Nutrient Reduction Plan template for the CBPRP. This template can be utilized by MS4 jurisdictions to meet these additional MS4 permit obligations. This template is expected to be completed by the end of calendar year 2013. EPA also encourages MS4s communities to collaborate (i.e., share information and, where feasible, resources) with neighboring MS4 communities to meet permit requirements and protect local water quality.

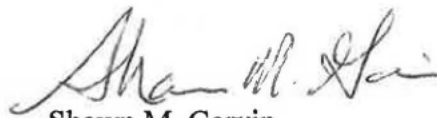
With respect to funding, EPA, under its Chesapeake Bay Program, provides grants to regulatory agencies such as PADEP to assist with the implementation of its MS4 program. Regulatory agencies can use this funding to assist permittees with implementation through guidance as well as through installation of BMPs. For more information on these grant programs, Mr. (b) (6) may contact Mr. Steven Taglang, Environmental Program Manager at PADEP, at 717-783-7577. In addition, EPA, in conjunction with the National Fish and Wildlife Foundation, provides grants through the Chesapeake Bay Stewardship Fund and with the Chesapeake Bay Trust through the Green Streets-Green Jobs-Green Towns grant program, for stormwater management projects, such as green infrastructure and other innovative technologies. Some of these grants have certain restrictions. Additional information is provided at the following websites: <http://www.nfwf.org/chesapeake/> and <http://www.cbtrust.org/>. Grant opportunities are available at various times throughout the year.

The EPA Clean Water State Revolving Fund (CWSRF) Program awards grants to state governments which, in turn, provide below market rate loans to communities for water quality infrastructure projects. In Pennsylvania, the CWSRF program is administered by the Pennsylvania Infrastructure Investment Authority (PENNVEST). PENNVEST evaluates, prioritizes, and selects projects to receive low interest rate loans. PENNVEST also determines the interest rate and repayment period for each loan in accordance with its established procedures. Lower interest rates, extended repayment periods, and a limited amount of principle forgiveness are available for disadvantaged communities that meet PENNVEST's criteria. Information about Pennsylvania's CWSRF program, as well as the online application, is available at [www.pennvest.state.pa.us](http://www.pennvest.state.pa.us). Dr. Paul K. Marchetti, PENNVEST Executive Director, can also be contacted at 717-783-6798 for more information.

In response to the question regarding "penalties for noncompliance," violations of the Clean Water Act may result in a federal civil enforcement action including a penalty. As a delegated authority for the NPDES program, PADEP has the lead for enforcement. EPA has independent enforcement authority and has been performing inspections MS4s communities throughout Region III regularly over the past several years. In cases in which significant non-compliance has been found, penalties have been issued based on the level of that non-compliance.

If you have any questions, please do not hesitate to contact me or have your staff contact Mrs. Laura Mohollen, EPA Pennsylvania Liaison, at 215-814-3295.

Sincerely,



Shawn M. Garvin  
Regional Administrator

cc: Dr. Paul Marchetti, PENNVEST  
Mr. Robert Kachonik, PADEP  
Mr. Steven Taglang, PADEP

